

Decision _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Alliance for Nuclear Responsibility,

Complainant,

vs.

Southern California Edison Company
(U338E),

Defendant.

Case 13-02-013
(Filed February 19, 2013)**ORDER EXTENDING STATUTORY DEADLINE****Summary**

Pub. Util. Code § 1701.2(d) provides that adjudicatory matters such as this complaint shall be resolved within 12 months after they are initiated, unless the Commission makes findings why that deadline cannot be met and issues an order extending the 12-month deadline. In this proceeding, the 12-month deadline for resolving the complaint is February 18, 2014.

This complaint, filed by Alliance for Nuclear Responsibility against Southern California Edison Company (SCE), alleges violations of law and the Commission's Rule 1.1 relating to SCE's representations to the Commission about the costs and value of the steam generator replacement project at San Onofre Nuclear Generating Station (SONGS).

The Commission opened Investigation 12-10-013 to review a wide range of issues and costs following the premature shutdown of the SONGS nuclear units in 2012. Although § 1701.2(d) provides for adjudication of complaints within 12 months of filing, the relevant facts to support the complaint will be vetted in Phase 3 of the SONGS investigation and it would be administratively inefficient and burdensome on parties to undertake a premature, and duplicate, review in the Complaint proceeding.

Because of these circumstances, we have concluded that it is appropriate to extend the 12-month deadline in this case for 12 months, until February 18, 2015.

Background

The Alliance for Nuclear Responsibility complaint is primarily based on Southern California Edison Company's (SCE) alleged conduct relating to the steam generator replacement project (SGRP) at San Onofre Nuclear Generating Station (SONGS). As part of the SONGS Order Instituting Investigation (SONGS OII), the Commission will undertake a thorough review of SCE's actions and expenditures related to the SGRP, beginning with seeking Commission approval, through the acquisition, installation, and operation of the steam generators until attempted repairs in 2012 and permanent shutdown in 2013.

The Commission opened the OII, Investigation (I.) 12-10-013, to review a wide range of issues and costs following the premature shutdown of the SONGS nuclear units. The Scoping Memorandum determined that issues regarding the reasonableness of the SGRP and related costs will be reviewed in Phase 3 of the OII, which will commence in early 2014.

Procedural History

The Complaint was filed on February 13, 2013 and no hearings have been held. The parties have jointly requested the Commission order an extension of the deadline until after adoption of a decision in Phase 3 of I.12-10-013.

Discussion

The allegations in this complaint are based on the assumption that the Commission will find that SCE misrepresented the cost benefits of the SGRP to the Commission when it sought approval in 2004. These facts will be initially determined by the Commission as part of Phase 3 of the SONGS OII, and we find no reasonable basis to review these facts in two separate proceedings.

The Scoping Memorandum in the SONGS OII, issued on January 28, 2013, provided that each phase would be individually scoped, but that Phase 3 would generally address “the causes of the steam generator damage and allocation of responsibility, whether claimed SGRP expenses are reasonable...” We expect Phase 3 to reach at least some, if not all, the relevant issues.

Under all the circumstances of this case, we believe that a 12-month extension of time, until February 18, 2015, should be sufficient to allow for the completion of Phase 3 in the SONGS OII. In turn, that decision will provide an integral factual basis for drafting and issuance of a Presiding Officer Decision, and a decision by the Commission and the parties whether to adopt it or to consider an appeal. The parties not only do not oppose the extension, they actively requested it.

Waiver of Comments Period

Under Rule 14.6(c)(4) of the Rules of Practice and Procedure, the Commission may waive the otherwise applicable 30-day period for public review and comment on a decision that extends the 12-month deadline set forth in Pub. Util. Code § 1701.2(d). Under the circumstances of this case, it is appropriate to waive the 30-day period for public review and comment.

Assignment of Proceeding

Michel Peter Florio is the assigned Commissioner and Melanie Darling is the assigned Administrative Law Judge (ALJ) and presiding officer in this proceeding.

Findings of Fact

1. The complaint in this case was filed on February 19, 2013.
2. An extension of time until February 18, 2015 should allow the ALJ adequate time to complete Phase 3 in I.12-10-013 which will establish facts relevant to resolution of the complaint.
3. The parties to the Complaint jointly asked the Commission to issue this extension.

Conclusions of Law

1. It is more efficient to avoid duplicate review of similar facts in two separate proceedings, so that it will not be administratively reasonable to resolve this case within the 12-month period provided for in Pub. Util. Code § 1701.2(d).
2. The 12-month statutory deadline should be extended for 12 months to allow for resolution of this proceeding.

IT IS ORDERED that the 12-month statutory deadline in this proceeding, February 18, 2014, is extended to and including February 18, 2015.

This order is effective today.

Dated _____, at San Francisco, California.